

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, May 12, 2005

(COMMITTEE OF THE WHOLE)

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, May 12, 2005, at 6:30 p.m., at the Focus: Hope Conference Center, 1400 Oakman Boulevard, Detroit, Michigan 48238.

ATTENDANCE

Board Members Present

Arthur Blackwell, II **(ABS)**
Erminia Ramirez
Jim Holley
Megan Norris **(ABS)**
Willie Hampton **(ABS)**

Department Personnel Present

Chief Ella M. Bully-Cummings
DC Joyce Motley
DC Ralph Godbee
DC Chester Logan
DC George Hall
DC Robert Dunlap
DC Ronald Haddad
3rd DC Angela Obey-Young
Cmdr. Leo Powers
Cmdr. Scott Kohls
Cmdr. Claudia Barden-Jackson
Insp. James Moore
Insp. Gregory Plummer
Insp. Jamie Field
Lt. Adams
Lt. Steven White
Sgt. Dena Leach
Sgt. Ramona Bennett
Sgt. Aaron Carey
Sgt. Romel Alexander
PO Reggie Crawford
PO Angela Rudolph

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv. **(ABS)**
Arnold Sheard, Interim Chief Investigator

Ainsley Cromwell, Supervising Investigator
Victoria Scott-Miller, Sr. Investigator/Community Affairs Coordinator
Kent Cooper, Police Officer

OTHERS PRESENT

Councilwoman Joanne Watson
Marvin Cheeks
Ms. Walters
Ron Scott
Sandra Hines
Dr. Gloria Pitts
Jerome Allen
Ada Long
Emma King
Artie Johnson
Bettie Wilson
Jamela Aikens
Joan Robinson-Cheeks

Judith Jones
Mary Simpson
Jerry Franks
Manila Harris
Frank Brehan
Mattie Holt
Anna Bentley
Emma Foster
R. Armstrong
Alvin Stokes
Vivian White

Patricia Carter
William Booker
Clinton Robinson
Arthur Whyte
Bethel Breckford
Gloria Briggs
Herman Vallery
Bertha Briggs
Chuck Dodd
Mildred Robbins
T.L. Ragland

RECORDERS

Jerome Adams
Sgt. Alan Quinn (Audio Visual)

1. CALL TO ORDER

Vice-Chairperson Ramirez called the regular meeting of the Detroit Board of Police Commissioners to order at 6:36 p.m.

Comm. Holley read the duties and responsibilities of the Board of Police Commissioners.

2. APPROVAL OF MINUTES

Vice-Chairperson Ramirez tabled the approval of the Minutes for **Thursday, May 5, 2005** until the next full meeting of the Board.

3. REPORT FROM THE CHAIR

Vice-Chairperson Ramirez read the following:

**RESOLUTION HONORING
MS. JUDITH JONES**

WHEREAS Ms. Judith Jones has been a resident in the city of Detroit for 58 years; and

WHEREAS Ms. Jones is an active member of the Tenth Precinct Community Relations Council and the Oakman Boulevard Association, and currently serves as the recording secretary for both organizations; and

WHEREAS Ms. Jones dedicates countless hours as a member of the Sixth District Wayne County Community Advisory Council, the Strategic Planning and Development Council and the William's Community Advisory Council; and

WHEREAS Ms. Jones is the President of the Tuller/Davison /Schoolcraft Block Club. As president, she coordinates and host many endeavors for the block club; and

WHEREAS Ms. Jones, in addition to all the aforementioned activities, finds time to participate in Tenth Precinct Community Relations activities, National Night Out, and Angels' Night. She is also a delegate for the City Wide Community Council,

NOW, THEREFORE, BE IT

RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of the city of Detroit and the Detroit Police Department, acknowledges the generous spirit of Ms. Jones. Her unselfishness and dedication to improving the quality of life for all citizens in her community and throughout the City of Detroit, merits our highest regards.

We thank and congratulate you, Ms. Judith Jones.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/Arthur Blackwell
Chairperson

/s/Erminia Ramirez
Vice Chairperson

/s/ Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Willie Hampton
Commissioner

Vice-Chairperson Ramirez tabled the adoption of the above Resolution until the next full meeting of the Board.

Chief Bully-Cummings presented Ms. Jones with a certificate of Recognition on behalf of the Detroit Police Department.

Insp. Moore presented Ms. Jones with the Spirit of Detroit Award on behalf of City Council.

Ms. Jones thanked everyone.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

OFFICE CLOSING

The Board of Police Commissioners' Office and the Office of the Chief Investigator will be **closed** on ***Monday, May 30, 2005***, in observance of the Memorial Day holiday. Regular office hours will resume on Tuesday, May 31, 2005.

CITIZEN COMPLAINTS RECEIVED

This Week

Year to Date

2005 - Weekly Count of Complaints:	38	519
2004 - Weekly Count of Complaints:	7	528

- The Office of the Chief Investigator (OCI) closed a total of 21 cases this week.
- The Office of the Chief Investigator submitted 2 cases to the Chief's Office.
- The Chief's Office has reviewed and returned 69 cases to OCI.

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS



BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of May 3rd – May 9th, the *Narcotics Enforcement and Conspiracy Units* conducted 33 search warrants and 29 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

Arrests:

- ◆ 42 Felony arrests
- ◆ 112 Misdemeanor arrests
- ◆ 4 Juvenile(s) detained

Confiscated:

- ◆ 125.2 Grams of cocaine, 72.5 grams of heroin, 4,616.5 grams of marijuana - street value \$199,046.00
- ◆ \$26,607.00 U.S. currency
- ◆ 13 Handguns
- ◆ 2 Vehicles

The Vice Section

On May 5th, Officers of the Vice Enforcement Unit conducted vice operations in the Sixth Precinct. As a result of the operations, a total of 15 Miscellaneous Ordinances were issued to a licensed establishment for allowing illegal activities.

The Gang Enforcement Section

On May 6th, officers from the Gang Enforcement Section observed a driver not wearing his seatbelt. The officer's conducted an investigation which resulted in one (1) man arrested for "Carrying Concealed Weapon- Person." Confiscated was one (1) handgun.

Investigative Operations Division

Due to an increase in the number of reported breaking and enterings in the Sixth Precinct area, the Sixth Precinct Investigative Operations Unit launched an intense investigation. The investigation led to the arrest of two (2) men for "Home Invasion." As a result of these two (2) arrests, 33 "Home Invasion" cases were closed.

Police/Community Intervention



TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated
Year-To-Date
1,385

FIRST PRECINCT

On May 4th, security officers at 36th Dist. Court confiscated a handgun from a woman's purse after observing it through the X-ray machine at the security entrance. The owner of the purse was arrested for "Carrying a Concealed Weapon." Confiscated was one (1) 25 cal. automatic.

SECOND PRECINCT

On May 5th, officers of the 2nd Precinct were flagged down by a citizen who observed a man armed with a rifle. As a result of their investigation, one man was arrested without incident for "Possession of a Dangerous Weapon." Confiscated was one (1) .223 cal., semi-automatic rifle.

THIRD PRECINCT

On May 7th, officers of the 3rd Precinct, while on patrol in the area of W. Vernor and Campbell, observed a vehicle squealing its tires. As a result of an investigation, two (2) men were arrested without incident for "Carrying a Concealed Weapon in a Motor Vehicle." Confiscated was one (1) .25 cal. semi-automatic handgun and ammunition.

SIXTH PRECINCT

On May 5th, officers of the 6th Precinct were flagged down by a citizen regarding a man having been stabbed. Subsequent to an investigation one (1) man was arrested for "Felonious Assault."

EIGHTH PRECINCT

On May 5th, 8th Precinct officers responded to the 15000 block of Chapel on a "Meet owner-persons stripping a stolen vehicle" run. As a result of an investigation and the assistance of the Auto Theft Unit, three (3) men were arrested and charged with "Operating a Chop Shop", "Receiving and Concealing over \$1000.00."

NINTH PRECINCT

On May 4th, officers of the 9th Precinct received information regarding a possible suspect wanted in connection to a kidnapping and criminal sexual conduct complaint. As a result of an investigation, one (1) man was arrested for "Malicious Destruction of Property", "Criminal Sexual Conduct" and "Kidnapping."

TENTH PRECINCT

On May 6th, officers of the 10th Precinct while on patrol in the area of Collingwood and Dexter, observed a vehicle with no license plate stopped in the middle of the street. As a result of an investigation one (1) man was arrested without incident for "Carrying a Concealed Weapon in a Motor Vehicle." Confiscated was one (1) nickel plated semi-automatic handgun.

Chief of Police Ella M. Bully-Cummings

6. PRESENTATION – TENTH PRECINCT

Insp. James Moore gave a brief presentation and overview of the history and current status of the Tenth Precinct. Last year when we had our meeting in the Tenth Precinct we spoke primarily about our crime fighting efforts. And, this year, I would like to talk about some of the things that we're doing with the community, in order to build bridges between police, our seniors and our youths in the Tenth Precinct. Early this year, our community relations officers had several meetings and forums at the precinct where we parliament with our seniors for training as far as how to secure your homes and what to do as far as identity theft. We had experts come in and discussed different types of crimes that are new in society and how they should handle those situations. There were also some field trips attached to some of those things. In addition to that we have our BOUY working with the youth in the community. After school gets out, we have basketball tournaments for middle school kids, reading club, and we have scheduled some trips to the Charles H. Wright African American Museum. We are also working in conjunction with the community on the Broadstreet Parade, which is scheduled for May 21, 2005. On May 27, 2005, we are going to have another rally and march in the Tenth Precinct for the Partnership for a Drug Free Detroit and we are working in conjunction with the City Health Department.

QUESTIONS AND ANSWERS

Comm. Holley stated I think it is always important if there could be some comparison in terms of one year ago where crimes was and where it is now because I want the community to know that there is a decline in crime.

Insp. Moore stated we are enjoying quite a bit of success in our crime fighting efforts, not only in the Tenth Precinct, but across the city. In the Tenth Precinct we are enjoying a 25% reduction in part one crimes across the board.

Comm. Holley asked what are part one crimes?

Insp. Moore stated part one crimes would be our assaults, burglaries, rapes, larceny, and robberies.

Comm. Holley asked did you say there was a 25% reduction in part one crimes?

Insp. Moore stated yes, overall. A few of the categories where we are enjoying the most success would be that our stolen vehicles are down over 38%, larcenies are down 34%....

Comm. Holley asked was there anything that you were concerned about a year ago that you could really say to the community that we got this bad boy under control. Is there anything that stood out a year ago that really gave the community concern and now a year later you could say, "we have addressed this very well"? Do you understand what I am asking?

Insp. Moore Stated because of our efforts in prosecuting and investigating our simple assaults, we have been able to reduce assaults substantially and that is not only in domestic situation, but situations involving persons who know one another. We have been able to make substantial reductions in our larcenies, thefts, burglaries and robberies. And, those were areas that we were told to focus in on. We are now focusing on non-fatal shootings. I don't have those numbers in front of me, but I have noticed that we are obtaining more felony warrants. I am sure that if we could get some of these perpetrators taken off of the street, I am sure that by next year around this time, we will be enjoying a reduction in these numbers also.

Vice-Chairperson Ramirez introduced Ms. Harris and asked her to say a few words.

Ms. Harris thanked the Board of Police Commissioners for holding the meeting in our community.

7. PRESENTATION – RISK ASSESSMENT UNIT

- **INTERIM MANAGEMENT AWARENESS SYSTEM**

Chief Bully-Cummings asked DC Logan to introduce his unit and the presentation that they will be given tonight.

DC Logan stated Lt. White will give a presentation regarding the Interim Management Awareness System.

Lt. White gave the following PowerPoint Presentation:

(SEE ATTACHMENT)

QUESTIONS AND ANSWERS

Comm. Holley stated for example, there was an incident that occurred in a different city where someone was pulled over by an officer and the person swallowed a substance and died. He asked do we encamp incidents that go around the country about how would respond to it or how would react to it or how would we do different in order to minimize our risk in the city? Do you do a comparison study?

Lt. White stated as part of the Planning and Accreditation Section developing policies are a part of that, so sure we would want to look at....

Comm. Holley asked how do you disseminate current event situations to 3,000 officers? Is it part of that flow chart?

Lt. White stated part of the plan is to communicate with the Training Bureau and make sure that we are up to date with on the training issues and that officers are properly trained in current techniques to deal with various issues. So, yes it is. It's not part of that flow chart, but is part of the risk management planning.

Chief Bully-Cummings stated that particular situation where it would come into play in the police department; it's in other areas with our Detainee Intake form. If we knew that the individual had ingested something, we would take that person and rush him to the hospital. A lot of times we do get information on things that other police departments have encountered and a lot of times being a major city chief, I get it via email and then I forward it on to Planning and to Training for them to either do a training directive. So, we do learn based upon lessons from across the country and we try to make sure that our policies specifically addresses it and that our officers are aware of it because a lot of time we get information about weapons that may not...it may be a lipstick tube and it may in fact be a weapon. So, we make sure that we cover all of that and

that our officers are aware of it. So, yes, that particular issue would not be here, but it is in other areas that we have in place.

Vice-Chairperson Ramirez asked does this system alert the commander that he has a situation with one particular officer?

Lt. White stated yes. The Office of the Chief Investigator sends reports to the precincts, so they are aware of the officers that are getting the complaints. Plus, this is another way to track that. He asked what category are you looking at of the thresholds?

Vice-Chairperson Ramirez stated it is threshold categories requiring intervention.

Lt. White stated in category two (2) a citizen complaint, three (3) within a six month period would trigger intervention. Of course, any combination, it's not just three (3), it could be one (1) citizen complaint, (1) vehicle chase, or (1) use of force. Those three items would trigger an intervention.

Comm. Holley stated the beautiful thing about this is, is that somebody is accountable. If somebody messes up and they messed up before, somewhere down the line it's in the system that somebody should have been able to pick this up and he doesn't have a foot file before we know he/she is bad.

Lt. White stated that's the whole purpose of getting early intervention before it results in discipline. With this we can save the officer's career and save the department lawsuits and everything else.

Vice-Chairperson Ramirez asked on the other side, will this particular awareness system also be an indicator to assist an officer whose, lets say for example, has been tardy or absent so many times, I mean that should alert the commander or the lieutenant, or sergeant to say that there is something going on with this particular officer in his personal life where he would need some intervention counseling?

Lt. White stated yes, that's one of the primary components of it.

Comm. Holley asked does this system break the code of silence based upon the consent decree that we are conforming to?

Lt. White stated we are not really relying on other officers to turn in other officers. We have a system that is in place where we track performance.

Comm. Holley stated always remember that I try to ask questions that are not just for my benefit, but for the benefit of the whole community. And, that's what I want to hear you say.

Lt. White stated during the training, we do talk about the subculture issues and the importance of providing service to the community.

Comm. Holley stated there is no doubt about, when we get through with this we are going to have a better police department, the integrity is going to be there. I just want to make sure that as we go along that the community is feeling that we're doing everything that we can to get there, if we're not there already.

Vice-Chairperson Ramirez stated Comm. Holley and I usually see the majority of the complaints and I am looking forward to this, which you said is already been in effect as of May 1st and in all of the precincts.

Lt. White stated all of the precincts have been trained and there are online. We have a temporary database, but it addresses all of these performance issues. It is really a great interim database, but when we get the Management Awareness System and the Computerized Relation Database then we will be able to do a lot more.

Vice-Chairperson Ramirez asked would this also be a tool that will assist our department? How is that supposed to assist our investigators?

I.C.I. Sheard stated my understanding is that we have a portion of the database that will house information that is relative to our function. In other words, the number of complaints, the types of complaints, the varieties of complaints, and so forth will also be reported in the same system.

Comm. Holley asked is Lt. White and Insp. Fields getting input from the Office of the Chief Investigator? I just want to ask to make sure that there is some input from our area going into there, to give us some comfort that this is going to be minimized.

I.C.I. Sheard stated and there is. We have been in meetings with DC Logan and his predecessor as well, currently DC Ralph Godbee, as it relates to the process. So, they are very familiar with our concerns and with the direction that we would go in.

Vice-Chairperson Ramirez asked so the Board should have our first report at the end of the month, so that we understand how these indicators work.

I.C.I. Sheard stated yes, I am hopeful.

Vice-Chairperson Ramirez asked there shouldn't be any problems with our Office of the Investigator asking for some reports from your division since we are working hand in hand.

Lt. White stated that's correct.

DC Logan stated for your information this Thursday in the conference room on the third floor we are going to have a meeting with just about everybody from Risk Management, Mr. Goss, Mr. Sheard and Ms. Hooks and these are the kinds of things that we are going to be talking about. We are going to see if we can come up with better protocol for dealing with the topics that you're talking about. Mr. Goss is also going to let us know some of the problems that we have out there. We are probably going to look at some test cases to see what we can do about them. Because as you said, three strikes and your out and some officers have a lot more than three strikes. Like I said we have our first meeting this Thursday at 1:00 p.m. and you are welcome to attend. But, we are going to be working on these same problems. And, Rev. Holley one of the things that you talked about as far as training, in the near future we are going to be doing a lot more interactive training, which is going to allow officers to learn what is going on around the country and within the department in real time. I am real excited about the work that these people are doing in Risk Management and I am excited of the prospect of working with the Board of Police Commissioners.

Comm. Holley stated I am too. You are doing a wonderful job.

Vice-Chairperson Ramirez stated I'm glad the system is in place, we've been waiting for it. Lt. White could you elaborate a little bit more on the indicator when it comes to AWOL PPO Civil Litigation?

Comm. Holley stated on the Threshold piece.

Lt. White asked which category?

Comm. Holley stated number 4 (four).

Vice-Chairperson Ramirez stated yes, the last one.

Lt. White stated AWOL would be if the person is absent without leave or without authorization to be off.

Vice-Chairperson Ramirez asked is this for a police officer?

Lt. White stated yes, it would actually apply to any member. And, the PPO is a personal protection order, if someone has a personal protection order against them.

Vice-Chairperson Ramirez asked against a police officer?

Lt. White stated yes.

Vice-Chairperson Ramirez asked what about the civil litigation and depending on how many we have...?

Lt. White stated we are saying that anytime there is a lawsuit filed or a legal complaint filed against a member that that one occurrence would cause for intervention. Again, it doesn't mean that the officer did anything wrong, you might have these performance indicators indicate that the officer did anything wrong, it's just that we need to make sure that there wasn't anything wrong and that everything is done properly and make sure that there are no patterns developing.

Vice-Chairperson Ramirez asked could you give us examples of what types of intervention might take place?

Lt. White stated counseling, sending him to the employee assistant program, if the person has some family issues, stress issues or alcohol issues. And, obviously training is an important component of this. It could simply be counseling. I know what my experience has been, just putting officers on notice that you are looking at their performance and monitoring their performance, most officers that is enough right there, just doing that. We don't have all the answers in terms of types of intervention, but what one of the things that we will be doing is meeting with commands periodically to determine what successful interventions that they are having and then we will be sharing that with other members of the department. So, that is part of the plan as well.

Vice-Chairperson Ramirez stated you are also going to have indicators on the other side. We are going to have indicators, as well as, those officers that do perform well.

Lt. White stated yes and we want to encourage that kind of that performance.

Vice-Chairperson Ramirez stated he needs to elaborate more on that. For example, this is the time to tell us about these indicators and there are some positive things about these indicators. I'm trying to bring them out.

Lt. White stated if an officer is going out and making arrest and providing service and during this, you have performance indicators that indicate that the officer did everything correctly, they are following department policy, they provided a service to the community, well then you would want to reward

them. We have different ways to do that through notorious write-ups and that sort of things.

Comm. Holley stated with bonuses.

Lt. White stated we know that people like to be acknowledged and there are different ways to do that or there are creative ways to do it. We are not limited to doing a meritoriously write-up.

8. DISCUSSION & PRESENTATION OF GENERAL ORDER

- **DIRECTIVE 304.2: USE OF FORCE**

Insp. Jamie Fields of the Civil Rights Division gave the presentation regarding the above-cited Directive.

As you are aware, we have created one (1) new policy and we revised about 30 other policies to be in compliance on the consent judgments. It is important to give you an update on where we are with those policies. Twenty-four of those policies have been approved by either the DOJ or the Monitor have come through this Board. Some policies came directly to you (the Board) and then went to the DOJ or the Monitor for their approval. Some policies by the consent judgments were required to be submitted first to the DOJ or the Monitor for review and approval. This policy has been approved by the DOJ and I just want to give you a brief update on what this policy is about and some of the areas of concerns that they had, so that you have an idea of the back and forth that goes between the Department, DOJ, and the Monitor regarding the policies. The DOJ, the Monitor and the DPD are looking for best practices or best policies. Sometimes we defer in what a best policy is or best practice is. Normally, I don't read anything from the policies, but I just want to read the policy's statement because I think it epitomizes what the policy is about.

The policy states the following:

“An improper use of authority and/or excessive or unjustified use of force undermine the legitimacy of an officer's authority and hinder the department's ability to provide effective law enforcement services to the community. Officers who use excessive force or an unauthorized use of force shall be subject to discipline, possible criminal prosecution, and/or civil liability. Use of force is only authorized when it is objectively reasonable and for a lawful purpose.”

Now, that sentiment is echoed throughout all of our policies. We've taken what the policy development that have come before you, we have not developed

policies like sort of on an ad hoc approach, we have taken a holistic approach and so all of the policies are tied together with common themes. One of the common themes that deals with this policy is that it is not always the officer's use force as the determining factor, it is the proper decision making prior to deciding to use force and that is what we are trying to train in the Academy and that is what all of our policies reinforce.

As far as this policy, it is divided into two (2) categories: Lethal force/Less-than lethal force and/or deadly force. To give you an idea of some of the discussions with the DOJ and their experts, we look at the DOJ, the Monitor and the consent judgment as establishing a base line. They might give us a baseline, but most of these policies we have been gone beyond what they requested or require because we think those are best practices and best for the community. And, the deadly force is a perfect example of that. Originally, with the experts provided by the DOJ there was some discussion because in order for an officer to use deadly force, you are suppose to focus on the severity of the crime and the danger imposed by letting the person go. Well the Detroit Police Department said, "That's not enough, we want to give officers further guidelines and further restrictions." In addition, to that what we did is added some crimes. We said, "It's not enough just the eminency of the danger or the continuing danger," you have to tie this with officers being able to use deadly force if their trying to stop or prevent a murder or attempted murder or assault with an attempt to commit murder, a criminal sexual conduct, an armed robbery or assaults that result in life threatening injuries. That goes beyond what the DOJ said is the minimal that we need to do; because we felt that it was important. We also have, and like I said before, these policies are new. We had a Use of Force policy before, so many of the things in the policy before you weren't just developed. For example, under the section "Prohibited Holds," since I have been on the department and in the Academy the Department has prohibited chokeholds and certain holds like that, so that is not new. We have always prohibited shots to be fired. We have never allowed warning shots because and the reason for that is some departments allow it, but they are usually more rural areas. What happens with a warning shot is that when you fire a warning shot and it goes up and it comes down somewhere, so if it ricochets it could be dangerous. So, we prohibit officers from firing warning shots.

Comm. Holley asked what do we do to halt a person or to at least give a person a warning?

Insp. Fields stated it's required in our policies that prior to using any type of deadly force; we have a use of force continuum. And, the first thing on our continuum is verbally commands in all situations. Verbal commands aren't always feasible depending on the situation, but if it is feasible we do require officers to give verbal commands before using any type of force.

Comm. Holley asked how do we compare with other major cities that are on our level?

Vice-Chairperson Ramirez stated Chicago.

Insp. Fields stated majority of major cities prohibit warning shots.

Comm. Holley asked they do?

Insp. Fields stated the ISCP Policy in their position paper that they come out with in regards to warning shots and use of force, they say that they are not going to prohibit it, but certain rural areas where there is less of a danger, and they put a caveat in there that says that in a dense area that they aren't recommended.

Comm. Holley stated my concern is the risk of going that way and going that way is that I have a lesser risk of where it's going to fall than it was if I was pointing at the object.

Insp. Fields stated the consent judgment has a definition of a critical fire and arm discharge. So, anytime an officer pulls a trigger, it's a critical firearm discharge. So, we investigate them; both homicide and Internal Controls Division have a team and they are responsible for investigating it. If you are trying to stop the threat of somebody who is posing a continuing danger to the community, we are going to shoot the person if we have to, if he doesn't stop after a warning shot. Whereas, if you shoot up in the air, you're endangering an innocent person, where if you have to shoot somebody, you are not endangering an innocent person, you are protecting the community by preventing the escape of a dangerous felony. But that's why we've restricted it so much.

Comm. Holley asked what is a cariodic artery?

Insp. Fields stated it is right there in your neck. And, it's like a sleeper hold and it cuts the blood flow.

Comm. Holley asked what do you use for that? Do you use a stick?

Insp. Fields stated we don't use anything, we don't allow it at all. Some departments allow, but there are very very dangerous.

We also prohibit officers from shooting at or from moving vehicles. That's another high risk area that creates a lot of problems with departments around the country. When we were writing and developing the policy, Firearms gave a demonstration at the range where they took a car and fired it with everything that they had. When they got in the car and started the engine and the car

drove off. You create a worse situation by creating a missile, so we don't allow that.

Comm. Holley stated what it really boils down to is that you have to have some intelligent people on the force. I'm not saying that you don't have them. We are the only ones that have capital punishment at our hands. Officers have to understand that we are the only ones that legitimately hold capital punishment. We execute that as a police officer. Obviously, there are some things that boil down to training.

Insp. Fields stated we've developed a Use of Force Form that will be coming out shortly. The form captures whatever an officer does, as far as, using force because we need to analyze it, look at it, and see if there are training needs and see where the problems are.

Comm. Holley asked how would we have handled that situation in California when the guy got out of the car with a gun?

Insp. Fields asked the recent one with the SUV?

Comm. Holley stated yes.

Insp. Fields stated I don't know. I can't suppose how we would handle it, but I doubt that we would have handled it anywhere similar to the way that it was handled out there.

Comm. Holley stated it really boils down to training.

Insp. Fields stated we wouldn't have handled it like that because it's against our policy to shoot at a moving vehicle.

Vice-Chairperson Ramirez asked how often is training when it comes to...?

Insp. Fields stated the consent judgment mandates that training be done depending on what weapon we're talking about. If it's a firearm, officers have to train twice a year. We are very strict on, if officers miss training for any type of reason. We will revoke their police powers. And, if they flunk a certain number of times; If they flunk once, we revoke it until they pass.

Comm. Holley asked is it possible that I have any officers on the street without a gun?

Insp. Fields stated no, it is not possible.

Comm. Holley asked are you saying that we are hitting 100%?

Insp. Fields stated what happens is they go through training and the ones that don't pass....

Comm. Holley asked out of 3,000 people you can't tell if they all fail?

Insp. Fields stated no, we have people that don't pass. But, what they do is, we take their gun and make them come back the next day. So, they are not working a shift, they come back the next day and then they qualify with one-on-one training or whatever. If they can't qualify for that, if they continually don't pass, we will misconduct them and they could face up to dismissal for not being able to qualify.

Comm. Holley stated I would move the age limit up and I would move the level of education. I think the consent decree is going to cause for maturity and it's going to cause for us to get the caliber person that really understands what it really means to be officer, that it's not a job, it's a calling. And, that I really love the person and not the cop so much as it is serving the people. We are going to have to look at that.

Insp. Fields stated I understand.

Vice-Chairperson Ramirez asked do we copies available for the citizens?

Insp. Fields stated yes, there are all on the table for anybody who wants to make comments on it or email us on our website or call or whatever, either the Board or Planning.

Comm. Holley thanked Insp. Fields.

Vice-Chairperson Ramirez asked are the changes in this policy in bold?

Insp. Fields stated yes. The changes were added based on discussion with DOJ.

9. OTHER BUSINESS

Vice-Chairperson Ramirez acknowledged and welcomed Marvin Cheeks, the father of U.S. Carolyn Kilpatrick.

Comm. Holley announced that on May 24, 2005, Mr. and Mrs. White will be celebrating 63 years of marriage. He asked Mr. White to stand up.

Vice-Chairperson Ramirez commended and thanked Chief Bully-Cummings, DC Dunlap, Cmdr. Mlynarczyk and all police personnel that did a marvelous job at the Cinco de Mayo Parade.

Chief Bully-Cummings stated I want DC Dunlap to acknowledge something because we lost an officer this week from the Tenth Precinct.

DC Dunlap stated we would just like to ask everyone keep Officer Richard Gasperetto's family in their prayers. He passed away from a heart attack. He was on duty, last week at Tiger Stadium and he collapsed and he was admitted to the hospital and he suffered a heart attack two days ago. He will be buried on Saturday.

10. ANNOUNCEMENT OF NEXT MEETING

Thursday, May 19, 2005 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

11. ORAL COMMUNICATION FROM THE AUDIENCE

Ron Scott stated in terms of the fact when these policies are developed, especially for the people who are here from the Tenth Precinct Community Relations Group and so on, that comments can be made that will affect and they did affect because we specifically made the request that they include the statement about animals. He also voiced concerns in regards to the jurisdiction of the Michigan State Police.

Chief Bully-Cummings stated AC Martin did meet with the captain from the Michigan State Police, it's still under discussion. Was I 100% happy behind the meeting? No. And, as the Chief in Detroit, I want to guarantee you that we are not going to see any jurisdiction here in the city of Detroit. We are very much aware of the Home Rule Act. We are aware of the authority of the Michigan State Police and that they have police powers in the entire state of Michigan. So, yes it is an ongoing discussion because I too have some concerns following that meeting.

Comm. Holley stated when the Michigan State Police violate one of our citizens, we should have a right to question and the community ought to have a right for a hearing, as we would for own police department. I think that Chairperson Blackwell and Exec. Dir. Goss ought to try to see what we can do to be supportive of the Chief and the police department. This is our fight, not her fight. He acknowledged Councilwoman Joanne Watson.

Sandra Hines stated Chief Bully-Cummings has been so gracious as to accept an invitation from Cortizone Elementary School, which is located on

W. Davision and Roselawn. She is coming out to talk to the community next Wednesday, May 18, 2005 at 5:30 p.m., and the community is welcome. She will be giving us information and answer some questions about safety factors that are going on in that particular community, which is patrolled by the Tenth Precinct. We have also invited the Second Precinct.

Dr. Gloria Pitts stated it is very fortuitous that you are meeting in the Tenth Precinct. I have a concern regarding the Tenth Precinct's response to numerous complaints made by me and my family since September 2003. The complaint involves abandoned property at 5897/5901 Northville between Warren where squatters have taken up residence in. There health concerns/issues and they are selling narcotics from the home.

Vice-Chairperson Ramirez stated Cmdr. Shaw will talk to you after the meeting and I.C.I. Sheard of the Office of the Chief Investigator will also speak to you.

Chief Bully-Cummings stated we are going to handle this matter and follow through. We also have to contact Buildings and Safety.

PO Reggie Crawford stated it has been 56 days since March 10, 2005, when I called for an independent investigation in regards to AC Walter Martin. According to the City Charter you had 45 days to address that complaint and thus the information is forwarded to the Chief and she should have seven (7) days to address it. On March 27th, I gave you a letter calling for an independent investigator regarding the release of his nephew from the Eleventh Precinct, who was involved in a domestic violence incident. I hope to hear something on this very soon.

Jerome Allen stated at the last meeting that we had with you, you had appointed Insp. Lyons to work with us on the issues pertaining to downtown and I have not been able to contact him. But, I did get a message that he had been promoted to commander. So, does this void are relationship or should I continue to try to contact him on some of these issues?

Chief Bully-Cummings asked Mr. Allen to speak with DC Hall after the meeting.

Mr. Allen stated the Detroit Cab Driver's Association still wants the enforcement of the unlicensed vehicle in Downtown Detroit. We are looking forward to that because they are hurting the income of the cab driver's and the family structures in the city of Detroit, by taking our income out of the city illegally.

Ms. Walters stated I am disappointed that we are not taking the opportunity to have some kind of interaction between all of the agencies of our region because we are going to need regional support in everything we do.

12. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw